

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS J. KALISZEWSKI,	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION NO. 03-216 ERIE
	)	
SHEET METAL WORKERS' NATIONAL	)	
PENSION FUND (the "Fund"), and its	)	
"BOARD TRUSTEES," "ADMINISTRATORS,"	)	
and "APPEALS COMMITTEE",	)	
Defendants	)	ELECTRONICALLY FILED

**STIPULATION OF DISMISSAL**

Plaintiff THOMAS J. KALISZEWSKI, by his attorneys, MacDonald, Illig, Jones & Britton LLP, and defendants SHEET METAL WORKERS' NATIONAL PENSION FUND, and its "BOARD TRUSTEES," "ADMINISTRATORS," and "APPEALS COMMITTEE," by their attorney, Stephen M. Rosenblatt, Esq., Deputy General Counsel, hereby stipulate as follows, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure:

1. The parties have reached an agreement regarding the settlement of this case.
2. The Complaint, Counterclaim, and this entire civil action shall be dismissed, without prejudice.
3. Once the settlement agreement is finalized and executed, the Complaint, Counterclaim, and this entire civil action shall be dismissed, with prejudice.

4. The Court shall retain jurisdiction of this civil action for enforcing the parties' settlement agreement.

Respectfully submitted,

/s Walter E. "Stormy" Deacon III

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Sheet Metal Workers' National Pension Fund and  
its "Board Trustees," "Administrators," and  
"Appeals Committee"